

Application No.: 10/691981

Case No.: 55343US007

REMARKS

Claims 1 to 17 are pending. Claims 18 to 28 have been canceled. Claim 1 is amended. The amendments find support, for example, at p. 33, lines 10-16, and pp. 39-42. Thus, no new matter has been added.

§ 112 Rejections

Claims 1-17 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Applicants respectfully disagree for the reasons set forth in the previous response. However, the Applicants' amendment to claim 1 renders the rejection moots. Therefore, it is clear what the optical film is, and claims 1-17 are not indefinite. A withdrawal of this rejection is respectfully requested.

§ 103 Rejections

Claims 1-17 stand rejected under 35 USC § 103(a) as being unpatentable over Merrill et al. U.S. Patent No. 6,179,948 (Merrill). The Applicants respectfully disagree and submit that it would not be obvious to a person of ordinary skill in the art to modify the cited reference as suggested by the Examiner.

Merrill does not teach or suggest, for example, "separating the first surface layer from the second layer; and incorporating the first surface layer into an optical film, the optical film having a gain higher than a gain of the first surface layer." Instead, the passage bridging columns 27 and 28 talks about sacrificial removable layers covering and protecting the optical blend film:

The outer layers may be sacrificial, in that they may be removed before or after orientation. In this manner, the outer layers may protect the optical blend material from mechanical abrasion (i.e. scratching) or from accumulation of dust and debris. This embodiment of a masking layer or layers has the advantage of being much cheaper than laminating a film of the present invention with yet another film.

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For at least the foregoing reasons, claim 1 is patentable over Merrill. Claims 2-17 each add additional features to claim 1 and are patentable for at least the same reasons. For example, Merrill does not teach or suggest the additional limitation of claim 5 that "the first layer is divided and incorporated into a plurality of layers of the multilayer construction." In addition, Merrill does not teach or suggest the additional limitations of claim 15 that "the first and second surface layers are each detachable from the second layer, and wherein the separating step includes separating the second surface layer from the second layer, the method, further comprising: assembling at least the first and second surface layers into a multilayer construction." The Examiner has not set forth any explanation as to where these limitations are disclosed. It is respectfully submitted that such explanations be provided or rejection be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is respectfully requested. Allowance of claims 1-17, as amended, at an early date is earnestly solicited.

Respectfully submitted,

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